

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 1831 of 2004

MANGU & ORS
V/S
STATE & ORS

Mr. USMAN GHANI, for the appellant / petitioner

Date of Order : 21.9.2004

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the petitioner.

All the courts below have found that the petitioner has failed to prove that land was purchased by him in Samvat 2008, while the sale-deed is registered in the year 1967, by which time the bar against alienation, under Sec. 42-B of the Rajasthan Tenancy Act had come into force.

Learned counsel for the petitioner, submitted that document is of Samvat 2008, for which stamp duty and penalty have been recovered, and that document could be looked into for co-lateral purposes, and since from that date, the petitioner acquired adverse possession, the bar of Sec. 42-b does not operate against the petitioner.

Suffice it to say, firstly that the learned courts below have found it not to be proved that petitioner came into possession in Samvat 2008, that apart in view of recent Judgment of Hon'ble Supreme Court reported in **2004 AIR SCW, 4103 (Amrendra Pratap Singh Vs. Tej Bahadur Prajapati and ors.)**, adverse possession does not accrue in such transactions.

In that view of the matter, I do not find any force in the writ petition. The same is, therefore, dismissed summarily.

(N P GUPTA), J.

/Srawat/